

Department of Environmental Protection and Resource Management  
105 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No.71328

George L. Divel, III  
2321 Boston Street  
Unit 6  
Baltimore, MD 21224

242 Burke Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 6, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-112, 115, 310, 312; 13-4-201 (d), failure to store all garbage in rodent resistant containers with tight fitting lids on residential property known as 242 Burke Avenue, 21286.

On December 8, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$200.00 (two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 19, 2009 for removal of trash and debris, and proper storage of garbage in cans with tight lids. This Citation was issued on December 8, 2009.

B. Photographs in the file taken on December 8, 2009 show garbage cans overflowing with bagged garbage, and no lids. Re-inspection on January 5, 2010 found the violation not corrected, with five cans overflowing with bagged garbage and no lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. Review of the administrative file for this investment property shows that Respondent has been issued multiple notices for the violations in 2007 and 2008.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14<sup>th</sup> day of January 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer